

MINUTES
NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION
REVIEW COMMITTEE
TWELFTH MEETING: NOVEMBER 1-3, 1996
MYRTLE BEACH, SOUTH CAROLINA

The twelfth meeting of the Native American Graves Protection and Repatriation Review Committee was called to order by Ms. Tessie Naranjo at 8:30 a.m., Friday, November 1, 1996 at the Lopez Room, Sands Ocean Club Resort, Myrtle Beach, South Carolina. The following committee members, National Park Service staff, and others were in attendance:

Members of the Review Committee:

Ms. Tessie Naranjo, Chair
Ms. Rachel Craig
Mr. Jonathan Haas
Mr. Lawrence Hart
Mr. Dan Monroe
Mr. Martin E. Sullivan
Mr. Phillip L. Walker

National Park Service staff present:

Mr. Francis P. McManamon, Departmental Consulting Archaeologist, Washington, DC
Mr. C. Timothy McKeown, NAGPRA Team Leader, Washington, DC
Mr. Sam Ball, NAGPRA Team, Washington, DC

The following were in attendance during some or all of the proceedings:

Ms. Nadema Agard, Standing Rock Sioux Tribe, Ft. Yates, North Dakota
Mr. Roger Anyon, Smithsonian Institute, Tucson, Arizona
Mr. Edward Halealoha Ayau, Hui M_lama I Na K_puna 'O Hawai'i Nei, Haleiwa, Hawaii
Ms. Roxann Bain, Lac Vieux Desert, Watersmeet, Michigan
Mr. Earl Barbry, Tunica-Biloxi Tribe of Louisiana, Louisiana
Ms. Joyce A. Bear, Muskogee (Creek) Nation, Okmulgee, Oklahoma
Mr. Bobby C. Billie, Independent Traditional Seminole Nation of Florida, Daytona Beach, Florida
Mr. Belanger Brown, Sr., Oneida Nation, Ontario
Ms. Tracey K. Brussat, Museum of Natural History at Roger Williams Park, Providence, Rhode Island
Ms. Rain Cantrell, Cherokee, Piedmont American Indian Association, Green, South Carolina
Mr. Richard "Medicine Bear" Cantrell, Cherokee, Piedmont American Indian Association, Green, South Carolina
Ms. Patricia Capone, Peabody Museum, Harvard University, Cambridge, Massachusetts
Mr. Kenneth H. Carleton, Mississippi Band of Choctaw Indians, Philadelphia, Mississippi
Ms. Connie Cascales, White County Historical Museum, West Lafayette, Indiana

Mr. Kevin Comer, United Native American Education Council, Arcadia, South Carolina
 Ms. Carol Cornelius, Oneida Tribe of Wisconsin, Oneida, Wisconsin
 Ms. Barbara Crandell, Native American Alliance of Ohio, Thornville, Ohio
 Ms. Susan Daniels, Oneida Tribe of Wisconsin, Oneida, Wisconsin
 Mr. Bill Day, Tunica-Biloxi Indians of Louisiana, Marksville, Louisiana
 Mr. Gary Deese, Chicora Indian Tribe of South Carolina, Inc., Andrews, South Carolina
 Ms. Linda Kawai'ono Delaney, Office of Hawaiian Affairs (OHA), Honolulu, Hawaii
 Ms. Nancy L. Derrig, Museum of Natural History at Roger Williams Park, Providence, Rhode Island
 Ms. Dianna Doucette, Peabody Museum, Harvard University, Cambridge, Massachusetts
 Ms. Deborah Doxtator, Oneida Tribe of Wisconsin, Oneida, Wisconsin
 Ms. Gay Drew, Catawba Indian Nation of South Carolina, Rock Hill, South Carolina
 Mr. Richard W. Edwards, University of Toledo College of Law, Toledo, Ohio
 Mr. Charlie Elijah, Oneida Nation, Ontario
 Mr. Duane Everhart, United Native American Educational Council, Arcadia, South Carolina
 Ms. Gillian Flynn, National Museum of Natural History, Washington, DC
 Mr. Lee Foster, US Army Environmental Center, APG, Maryland
 Ms. Lesa K. Hagel, Lesa K. Hagel Word Processing, Rapid City, South Dakota
 Mr. Michael Haney, Five Civilized Tribes of Oklahoma, Wewoka, Oklahoma
 Mr. Gerald L. Hill, Oneida Tribe of Wisconsin, Oneida, Wisconsin
 Mr. Jim Horne, Recognized First Nations Advocacy Group, Augusta, Georgia
 Ms. Nadine Horne, Georgia Council of American Indian Concerns & Recognized First Nations Advocacy Group, Augusta, Georgia
 Ms. Beverly Ironshield, Standing Rock NAGPRA, McLaughlin, South Dakota
 Ms. Barbara Isaac, Peabody Museum, Harvard University, Cambridge, Massachusetts
 Mr. John George, Catawba Indian Nation, Rock Hill, South Carolina
 Mr. Keller George, Oneida Nation of New York, Vernon, New York
 Ms. Martha Graham, American Museum of Natural History, New York, New York
 Ms. Marilyn John, Oneida Nation of New York, Oneida, New York
 Ms. Tamara Johnson, Bryn Mawr College, Bryn Mawr, Pennsylvania
 Mr. David Jumper, Seminole Tribe, Florida
 Ms. Rita Kenyon, Catawba Cultural Preservation Project, Rock Hill, South Carolina
 Ms. Deanna J. Kerrigan, American Association for State and Local History, Nashville, Tennessee
 Mr. Richard Koontz, Field Museum, Chicago, Illinois
 Ms. Shannon Larsen, E.E.C. & Vida Verde, Daytona Beach, Florida
 Ms. Lani Maa Lapilio, Office of Hawaiian Affairs, Honolulu, Hawaii
 Mr. Jonathan Leader, South Carolina Institute of Archaeology and Anthropology, Columbia, South Carolina
 Ms. Naida Lefthand, Kootenai Culture Committee & Confederated Band of Salish & Kootenai Tribes, Pablo, Montana
 Mr. David Lindsay, Houlton Band of Maliseet Indians, Houlton, Maine
 Mr. Mike Lokensgard, Oneida Tribe of Wisconsin, Oneida, Wisconsin
 Ms. Rhonda Lueck, US Army Corps of Engineers, St. Louis, Missouri

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Ms. Marilyn Massaro, Museum of Natural History at Roger Williams Park, Providence, Rhode Island

Mr. Nick Mejia, Alliance for Native American Indian Rights, Nashville, Tennessee

Ms. Teresa Militello, US Army Corps of Engineers, St. Louis, Missouri

Mr. Kunani Nihipali, Hui Malama I Na Kupuna 'O Hawai'i Nei, Haleiwa, Hawaii

Ms. Christy Norkett, United Native American Educational Council, Woodruff, South Carolina

Ms. Deborah Osterberg, National Park Service, Ft. Sumter, New Mexico

Mr. Brian Patterson, Oneida Nation of New York, Oneida, New York

Ms. Marita Penny, National Museum of Natural History, Washington, DC

Mr. Roland Poncho, Alabama-Coushatta Tribe of Texas, Livingston, Texas

Ms. Leah Rosenmeier, RS Peabody, Andover, Massachusetts

Mr. Joseph Schomaker, Department of Energy/Fluor Daniel, Cincinnati, Ohio

Ms. Bertie Schweppe, Native American Alliance of Ohio, Thornville, Ohio

Ms. Polly Schweppe, Native American Alliance of Ohio, Cincinnati, Ohio

Ms. Ella Sekatau, Narragansett Tribe, Kenyon, Rhode Island

Ms. Jennifer Shannon, Florida State University Department of Anthropology, Tallahassee, Florida

Ms. Lynn Shreve, Florida State University Department of Anthropology, Tallahassee, Florida

Mr. Francis Skenandoa, Oneida Tribe of Wisconsin, Oneida, Wisconsin

Mr. Chuck Smythe, National Museum of Natural History, Washington, DC

Ms. Kim Spedowski, Lac Vieux Desert, Watersmeet, Michigan

Mr. John Stubbs, Peabody Museum, Harvard University, Cambridge, Massachusetts

Ms. Gaye Summers, Cameron, South Carolina

Mr. John Taksuda, Oneida Nation of New York, Oneida, New York

Ms. Lois Thompson, US Department of Energy, Washington, DC

Mr. Lee Tippet, South Carolina State Historic Preservation Office, Columbia, South Carolina

Mr. Jack Trope, Sant'Angelo & Trope, Cranford, New Jersey

Mr. Eddie Tullis, Poarch Band of Creek Indians, Atmore, Alabama

Ms. Gabrielle Vail, University of Pennsylvania Museum, Philadelphia, Pennsylvania

Ms. Sharri Venno, Houlton Band of Maliseet Indians, Houlton, Maine

Ms. Anne-Marie Victor Howe, Peabody Museum, Harvard University, Cambridge, Massachusetts

Ms. Mei Jeanne Wagner, Alexandria, Virginia

Mr. Dan Weiner, Hughs, Hubbard & Reed, New York, New York

Ms. Betty White, National Museum of the American Indian, Bronx, New York

Mr. Ed Williams, Oneida Tribe of Wisconsin, Oneida, Wisconsin

Mr. Tony Wonderley, Oneida Nation of New York, Oneida, New York

Ms. Naranjo welcomed everyone to the meeting and asked for a moment of silence for the late Mr. William Tallbull. She then asked that the committee members introduce themselves.

Review of the Agenda

Mr. McManamon welcomed the members of the public to the meeting and explained that the meetings are open to the public with scheduled public comment periods. He then welcomed Mr. Lawrence Hart, the newest member of the Committee. Mr. McManamon thanked the committee members for their time and efforts regarding implementation of the Statute. He then gave a brief review of the agenda.

Implementation Update

Notices of Intent to Repatriate and Inventory Completion: Mr. McManamon reported that the National Park Service has continued to help prepare Federal Register notices on intent to repatriate (for unassociated funerary objects, sacred objects, and objects of cultural patrimony) and notices of inventory completion (for human remains and associated funerary objects). Currently, the National Park Service is reviewing 637 inventories from museums and Federal agencies and seeking clarification when necessary in order to move the implementation process forward.

Civil Penalties: The civil penalties section is currently awaiting a signature from the Assistant Secretary for Fish and Wildlife and Parks and the Office of Management and Budget in order to be published in the Federal Register as interim regulations.

Future Applicability: The future applicability section, as drafted at the Billings meeting, is under review by the Solicitor's Office and by the Assistant Secretaries within the Department of the Interior.

Grants Program: Fiscal Year (FY) 1996 grants have been awarded, with 20 Indian tribes and 19 museums receiving a total of approximately 2.1 million dollars in grants. The 1997 budget for the National Park Service includes the same amount for the grants program, and application guidelines have been sent with deadlines of December 6th for Indian tribes and December 20th for museums to submit proposals for FY 1997.

Other Matters: Mr. Richard Corrow was convicted in the first jury trial under the trafficking provisions of the statute.

The National Museum of the American Indian Act has been amended to make its repatriation requirements more consistent with those in NAGPRA. The Smithsonian Institution is now required to provide summaries of sacred objects and objects of cultural patrimony. Deadlines for completion of summaries and inventories of human remains and associated funerary objects were established. The Smithsonian Institution's Repatriation Review Committee was expanded from five to seven persons, with the two new positions to be filled by traditional religious leaders. The Smithsonian Institution staff actively supported the amendment.

Senator Inouye has introduced an amendment to the planned excavation and inadvertent discovery sections of NAGPRA. The amendment passed the Senate by unanimous consent and is currently under consideration by the House Natural Resources Committee.

Federal Agency Compliance: Mr. Haas expressed concern that some Federal agencies seemed to be missing from the list of completed inventories. In particular, he wondered about the status of implementation efforts by the Bureau of Land Management (BLM), Forest Service, and Army. Mr. McManamon offered one explanation for the omission from the list is that some Federal agencies only one combined summary or inventory for the entire agency. These would be listed only once by the location of the submitting facility. Mr. McManamon suggested that sending a letter to all Federal agencies requesting information on the status of their compliance efforts. Federal agency representatives could be invited to address implementation at the next committee meeting. Mr. Haas replied that many museums were also faced with budget cuts but were still required to comply with the Statute.

Mr. Walker asserted that it was time for the committee to be more assertive in determining the extent of compliance of Federal agencies. He expressed specific concern about compliance by the BLM. He suggested contacting agencies at the highest levels to encourage support at the local office level. Mr. Haas agreed that it was time to be more assertive and then suggested an additional request in the memo asking Federal agencies to provide a plan and proposed date for inventory completion.

Mr. McManamon suggested the that the National Park Service send a memo to all Federal agencies, including a list of all summaries and inventories currently on file with the Departmental Consulting Archeologist. Each Federal agency would be asked to verify the list . The memo should also indicate that the committee anticipates discussing the topic of Federal compliance at its next meeting.

Compliance in General: Mr. Haas asked if there was any indication of the status of compliance in general. Mr. McManamon replied that although exact figures were unavailable, most agencies and museums were trying to comply. Mr. McKeown added that when museums were asked how many human remains were in their collections a rough count of 100,000 was received. He suggested that a final estimate of 200,000 would be reasonable. Mr. McKeown then stated that the exact number of human remains in the National Park Service collections is 4,998.

Discussion of Comments on the Draft Recommendations Regarding Disposition of Culturally Unidentifiable Human Remains in Museum or Federal Agency Collections

Brief History: Mr. McManamon summarized the committee's previous efforts to develop recommendations regarding disposition of culturally unidentifiable human remains. A first draft was developed by the committee at the Los Angeles meeting and published for public comment in the Federal Register in May, 1995. One hundred and ten comments were received which were discussed at the Anchorage meeting. The committee developed a second draft at the Billings meeting which was published for public comment in the Federal Register in June, 1996. Fifty five comments were received.

Committee Discussion: Ms. Naranjo explained that central part of the most resent draft was to define "shared group identity" in such a way that the number of culturally unidentifiable human remains would be reduced. This approach, developed at the Billings meeting, seemed like an effective way to expediate the return of these human remains. However, recent public comments on the draft indicate this may not be an effective approach. She suggested that the committee continue working on the issue, even though it may not

be resolved by the time some of the current members' terms expire. Mr. Hart agreed and suggested that the committee seriously consider the public comments.

Mr. Haas wondered whether the problem was with the draft itself, or with the process of drafting, publication, comment, and discussion. Each of the drafts was prepared at a different meeting and reflect the comments of those members of the public that happened to attend. Neither draft was acceptable to many of the commenters. Mr. Haas wanted to make sure that the process did not take too long. In two cases, the United States Forest Service has already moved forward, but in two separate ways. Tonto National Forest recently filed a Notice of Inventory for human remains that many consider to be culturally unidentifiable. The Forest Service's Southwest Region eliminated all culturally unidentifiable human remains from its collection by assigning cultural affiliation based on their own criteria.

Mr. Walker was concerned that the structure of the committee and the lack of proper resources made it difficult to evaluate the decisions being made about cultural affiliation. Each notice represents a precedent.

Mr. McManamon replied that incoming notices are all reviewed by the National Park Service and clarification sought from the submitting Federal agency or museum if necessary. However, publication of the notice in the Federal Register does not imply any sort of Departmental approval. Mr. Weiner agreed, and added that the real precedents will come through litigation of particular cases. These decisions may be entered before the court. Any decisions published as notices in the Federal Register could be brought before the committee in the dispute resolution process.

Mr. Haas added that the Forest Service and the Bureau of Land Management both have basically the same information about human remains in the southwest, but reached two different conclusions regarding cultural affiliation. He suggested that the committee consider what priority should be given historical links, geographical links, and temporal links in determining cultural affiliation. Mr. McManamon responded that it might not be such a bad thing that different Federal agencies and museums are reaching different conclusions. These differences might ultimately lead to the resolution of the issue.

The committee reviewed past cases of repatriation of culturally unidentified human remains to non-Federally-recognized Indian groups to identify guidelines for consideration of other cases. In each situation: the museum or Federal agency holding the culturally unidentifiable human remains had wanted to repatriate; there was a relationship of shared group identity between the human remains and a non-Federally-recognized Indian group; and nearby Federally-recognized Indian tribes concurred with the decision. Mr. Walker recommended the development of regulation to resolve these issues since the committee will be unable to hear the large number of cases that may develop.

Mr. Sullivan observed that many of the comments focussed on the potential for the NAGPRA process to convey quasi-recognition on non-Federally-recognized Indian groups. Mr. Haas responded that although there are some legitimate concerns about spurious groups seeking recognition, there are some truly legitimate groups without Federal recognition that should be entitled to participate in the process. While the exact wording of the recommendations needed work, he felt that the draft recommendations provided a good foundation for further work.

Mr. Hart felt that the committee was not trying to dictate to any of the different Indian groups, whether

Federally recognized or not, but to develop a method by which both could accomplish repatriation through cooperation and collaboration. As an example, he described a recent meeting of representatives from eight different Indian tribes at which they discussed the repatriation of culturally unidentifiable human remains in southeastern Colorado.

Mr. Sullivan summarized the main concerns evidenced by the comments. Some commentators felt that the statement "Non-Federally-recognized Native American groups are encouraged to work with museums and Federal agencies to reach agreement on possible repatriation of human remains," was unnecessary, since most interested parties have already working with the museums and Federal agencies. Some commentators suggested that the statement "The non-Federally-recognized group and the museum or Federal agency holding the human remains are encouraged to consult with all Federally-recognized Indian tribes who may have an interest in the geographic area," should be changed strengthened to a requirement. Lastly, some commentators thought that the statement "The Review Committee believes it may be necessary to amend the Statute," should be deleted. After discussion, Mr. Sullivan recommended replacing the phrase "The Review Committee believes that it may be necessary to amend the Statute... In the absence of such an amendment," with "The Review Committee recommends the following general guidelines to encourage..."

Haas identified non-Federally-recognized Indian groups that may become Indian tribes in the future as an additional concern. Ms. Naranjo and Mr. Hart suggested using maps detailing historical provenance to aid in determining the disposition of culturally unidentified human remains.

Mr. Haas suggested establishment of a forum similar to the National Dialogue on Indian/Museum Relations to reach a consensus regarding the disposition of culturally unidentifiable human remains. Participation would be limited to a small (8-12) number of knowledgeable individuals representing all of the major constituencies. The group would review the committee's previous draft recommendations and all public comments and then try to formulate a compromise resolution. Mr. McManamon suggested that the committee view this experts meeting as a chance to clarify the issue of treatment of culturally unidentifiable Native American human remains. Once formulated, the committee could consider the meeting results at a committee meeting and proceed with its own recommendations. Mr. McManamon proposed that the experts group consider several general issues, including: whether all Native American human remains be repatriated and whether Native American human remains should be documented in some way prior to repatriation. The National Park Service could provide a grant to a museum or Indian tribe wishing to coordinate such a meeting. Mr. Haas recommended considering the Santa Fe Institute as a possible sponsor. The meeting should be held before the committee's next meeting.

Discussion of the Status of Non-Federally-Recognized Indian Groups

Mr. Haney, a member of the Seminole Nation of Oklahoma and representative of the Five Civilized Tribes of Oklahoma, stated he was honored to be speaking in front of the committee. Mr. Haney reported that the Five Civilized Tribes Intertribal Council passed a resolution in 1990 deploring the retention of human remains and funeral goods for any reason and urged their immediate and permanent return to the appropriate Indian tribes. Due to the ceremonial and religious connections, the Five Tribes Intertribal Council has agreed to act as one body in dealing with repatriation issues. Repatriation of ancestral human

remains is essential to the success of the Indian tribes' contemporary activities. They have been advised to be very cautious in these activities. So, despite being one of the first tribes committed to addressing the process of repatriation, the Seminole have not yet repatriated any human remains. Mr. Haney stated that at the 53rd annual National Congress of American Indians in Phoenix, Arizona, an independent commission was established to address the special concerns of repatriation and grave protection. NCAI passed a resolution urging the proper recognized tribal authorities and spiritual representatives be involved with the repatriation processes. NCAI requested that the statute be amended to grant authority to only the recognized traditional religious leaders. Mr. Haney announced that the United South and Eastern Tribes (USET) Repatriation Committee and the Five Civilized Tribes plan to meet and discuss common ground. Mr. Haney then mentioned a general concern that museums and Federal agencies were not conducted sufficient consultation with Indian tribes. He also wished that traditional religious leaders could be directly involved in the consultation process.

Mr. Barbry, Chairman for the Tunica-Biloxi Tribe of Louisiana, felt that the definition of sacred objects should be anything that came out of a Native American grave. Sacred objects need to be respected and not treated lightly. Mr. Barbry stated that the committee members were not selected fairly as there is not equal representation of all Indian tribes. There should not be any museum or scientific professionals on the committee. It should be an all-Indian committee. Mr. Barbry stated that he was against any further scientific study of Native American human remains. Only Indian tribes should be allowed to determine what action is taken regarding repatriation. No Federal agency besides the Bureau of Indian Affairs should be allowed to grant Federal recognition to state-recognized Indian groups. Changes need to be made in order to expedite the repatriation of Native American human remains. Ms. Naranjo responded that the composition of the committee was stipulated in the statute to include individuals nominated by Indian tribes, Native Hawaiian organizations, and national scientific and museum organizations. The appointments were made by the Secretary of the Interior. She also affirmed that the committee treats is extremely serious in fulfilling its duties and treats human remains, funerary objects, sacred objects, and objects of cultural patrimony with the utmost respect.

Mr. Tullis, Tribal Chairman of the Poarch Band of Creek Indians, strongly urged the Committee to use caution in giving standing to non-Federally recognized Indian groups. These decisions can have unforeseen consequences, including some non-Federally recognized Indian groups attempting to obtain Federal benefits due only to Indian tribes. The State of Alabama has recognized a Boy Scout troop as a tribe. Other state-recognized Indian groups have misused the services of the Alabama Housing Authority. Mr. Tullis stressed that he did not want to preclude any legitimate Indian tribe from participating in the repatriation process, but cautioned the committee from liberally accepting claims from non-Federally-recognized Indian groups. He presented with the committee with two USET Resolutions, 96:28 and 97:12.

Mr. Carleton, Tribal Archeologist for the Mississippi Choctaw, read a letter to the committee from Mr. Phillip Martin, Chief of the Mississippi Band of Choctaw Indians. Mr. Martin stressed that only duly elected government leaders and traditional religious leaders of Federally-recognized Indian Indian tribes are designated for involvement in the repatriation process. No provision is made for the participation of any other groups. He then stated that legitimate non-Federally-recognized Indian groups seeking to participate in repatriation efforts should apply for recognition to the Bureau of Indian Affairs. Once recognized, these groups could repatriate human remains and cultural items under the provisions of NAGPRA. Another

problem concerns situations where two culturally affiliated Indian tribes disagree on what should be done with human remains. He believes that the Choctaw should only repatriate Choctaw human remains. Research is necessary to identify ancestral Choctaw human remains. Mr. Martin was concerned that other Indian tribes could repatriate human remains from Choctaw ancestral grounds before the necessary research is completed. He suggested that Indian tribes affected by such repatriations should have absolute veto power over any collective decision.

Dispute Over an Oneida Wampum Belt

Mr. Haas recused himself from consideration of this dispute regarding the disposition of an Oneida wampum belt currently held at the Field Museum of Natural History. Ms. Naranjo asked Mr. Sullivan to chair this portion of the meeting. Mr. Sullivan welcomed the representatives from the Oneida Tribe of Wisconsin, the Field Museum, and the Oneida Nation of New York, and asked them to make their presentations to the committee.

Oneida Tribe of Wisconsin: Ms. Deborah Doxtator, chairwoman of the Oneida Tribe of Wisconsin, greeted the committee and introduced members of the delegation. Mr. Anoki Schuyler and Mr. Leander Danforth spoke to the committee in the Oneida language. Mr. Bruce Elijah greeted the committee and explained that the smudging ceremony that was conducted was designed to help everyone speak from the heart. He went on to explain how wampum functions in Oneida culture. Wampum is not an object. It doesn't belong to the person who made it. It belongs to all the people. Ms. Carol Cornelius reviewed the historical documentation indicating the belt was created shortly after the Revolutionary War to solidify the reunification of the Haudenosaunee people. The belt was brought to Wisconsin by Elijah Skenandoa. Wyman claims to have purchased the belt from Skenandoa's grandson. A September 2, 1904 article in the Brown County Democrat stated that "[t]here is great excitement and tribulation among the Oneida on their Indian reservation, the fact having finally leaked out among them that their cherished relic, their famous wampum belt, has been taken from them and is now in a Chicago museum. Every possible effort has been made to keep from the great body of Oneida Indians knowledge of the fact that this greatest treasure of this once powerful Indian tribe had disappeared from the reservation." Wampum has, and continues to have, an important role in the cultural life of the Oneida Tribe of Wisconsin. Mr. Michael Lokensgard, attorney for the Oneida Tribe of Wisconsin, stated that while the belt might be thought of as belonging to the entire Oneida Nation -- including the Oneida Tribe of Wisconsin, the Oneida Nation of New York, and the Oneida of the Thames, Ontario -- it should be repatriated to the Oneida Tribe of Wisconsin from where it was originally acquired by Wyman. Ms. Doxtator thanked the committee for its consideration and asked them to strive for a solution that is in the best interests of all Oneida people for the next seven generations.

Field Museum of Natural History: Mr. Richard Koontz, counsel for the Field Museum, explained that the museum feels that the belt should be repatriated to the Oneida people. There is not sufficient information to clearly determine which of the two Indian tribes should control the belt. While the notice of intent to repatriate that was published in the Federal Register identified the Oneida Nation of New York as the potential recipient, the notice was intended to enable other Indian tribes to determine their interest in the object. The Oneida Nation of New York's claim for the belt was received first. Mr. Koontz added that the National Park Service had recently received a letter from the Onondaga Nation asserting their interest in the

belt. If the Field Museum receives such a claim, it would be reviewed under the same policy guidelines as any request.

Oneida Nation of New York: Mr. Michael Smith, attorney for the Oneida Nation of New York, stated the tribe's position that the belt should be repatriated to the Oneida Nation of New York because it was made in New York. In all other matters, the Oneida Tribe of Wisconsin speaks of repatriation to New York because it is the "homeland." This principle applies to this case as well. There is some confusion in the historical documentation about whether Wyman acquired the belt in Wisconsin or New York. Even if it was acquired in Wisconsin, it is unlikely that Elijah Skenandoa had the authority to take the belt with him. While the committee can talk about the "Oneida people," they must deal with the two Federally-recognized Indian tribes before them. Mr. Keller George, Vice Chairman of the Onieda Nation of New York, explained that the Oneida Nation of New York has remained on its traditional lands and continued to practice the traditional matrilineal form of descent. The great law teaches that when you leave the circle, you leave naked and you nothing with you. He questioned whether the Onondaga could have reinstated the traditional chiefs in Wisconsin since this role is reserved to the Mohawk and Seneca. Brian Patterson, member of the Bear clan, reminded the committee of the proposal to provide all Onieda people access to the belt that was submitted by the Oneida of New York. He then asked Leander Danforth from the Oneida of the Thames to formally close the presentation in the Oneida language.

Committee Discussion: Mr. Sullivan thanked the Onieda Tribe of Wisconsin, Field Museum, and Oneida Nation of New York for their presentations. He explained that the committee only has the power to make recommendations which are not legally binding.

Mr. Sullivan raised the question of whether the belt represented an object of cultural patrimony. Submissions from both the Onieda Tribe of Wisconsin and the Onieda Nation of New York suggests that it is a national belt, as distinguished from a clan belt. A letter from the Onandaga Tribe suggests that the belt may actually be a confederacy belt that is culturally affiliated with al the Iroquois tribes. The committee agreed that the belt met the definition of cultural patrimony.

Mr. Sullivan then asked whether the two parties had standing to claim the belt under NAGPRA. The committee agree that both the Onieda Tribe of Wisconsin and the Onieda Nation of New York have standing to claim the belt. He then asked the committee to consider whether the Onieda of the Thames in Canada also have standing. Mr. Koontz suggested that the Field Museum would consider including a culturally affiliated Canadian First Nation in repatriation discussions if the culturally affiliated Federally recognized Indian tribe agreed. Concerning right of possession, Mr. Koontz recommended that the committee stick to the question of whether the belt was obtained with the voluntary consent of the appropriate Indian tribe or tribes, and not Constitutional issues related to Fifth Amendment takings. Ms. Craig questioned what effect placing the belt with one party and not the other would have on the future of the Oneida people as a whole. She suggested that all the parties work together to find a solution that was beneficial to all Oneida people. Mr. Walker discussed the issue of cultural affiliation, explaining that the anthropological community had urged Congress to consider varying degrees of cultural affiliation. Unfortunately, Congress decided on a binary approach: an Indian tribe is either culturally affiliated or it is not. Mr. Smith disagreed, feeling that the issue was to determine the most appropriate Indian tribe. Mr. Lokensgard urged the committee to see all three groups as successors in interest.

Mr. Sullivan then asked the Onieda Nation of New York and the Onieda Tribe of Wisconsin to detail the steps they would take of the belt was placed in their possession to ensure access by all Onieda people. Mr. Smith responded that such a plan was already outlined in their proposed agreement. The best would be made available to any Oneida who wished to see it. The Onieda Nation of New York would be willing to discuss travel arrangements when necessary. The Oneida Nation of New York expressed its willingness to discuss the details of the memorandum of agreement with the Oneida Tribe of Wisconsin. The Oneida Tribe of Wisconsin replied that if they were granted custody of the belt, they would also be agreeable to further discussions of travel arrangements. The Oneida Tribe of Wisconsin had some concerns about the current memorandum of agreement, especially with regards to the term "visit," but expressed an interest in further discussions of a memorandum of agreement after consulting with their Tribal General Council. Mr. Hart stated that the action of the Oneida Nation of New York in inviting the Oneida Tribe of Wisconsin to do the traditional closing was to him a very significant step in the ability and willingness of the parties to work together.

In light of this willingness to talk, the committee determined that any action on their part would be intrusive. Therefore, the committee recommended further discussions between the Oneida Nation of New York and the Oneida Tribe of Wisconsin. The committee also expressed a willingness to provide any necessary assistance or guidance. Mr. McManamon then suggested that a letter be sent from the committee to the Oneida Tribe of Wisconsin, Field Museum, and Oneida Nation of New York detailing this recommendation and also thanking each of the parties for their extensive efforts in this matter. A draft of this letter was read to the committee and approved.

Special Invitation to the Committee from the American Association for State and Local History

Ms. Deanna Kerrigan, Program Officer for the American Association for State and Local History (AASLH), introduced herself and her organization. AASLH is a non-profit, membership-based public history organization, headquartered in Nashville, Tennessee. In a recent survey, AASLH was made aware of the intense interest in NAGPRA of Native American tribal museums and cultural centers across the United States. In an effort to help fulfill the needs of these tribal museums and centers, AASLH will be focussing on NAGPRA as one of its topics at the upcoming annual convention. Ms. Kerrigan extended an invitation to the committee to attend and be a part of the AASLH annual meeting on October 1-4, 1997, in Denver, Colorado.

Implementation of the Statute in the Southeast Presentations

Mr. Bill Day, of the Tunica-Biloxi Tribe, spoke on the importance of sovereignty to Indian tribes. He pointed out that the Tunica-Biloxi Tribe was the first Indian tribe to assume the responsibilities of the State Historic Preservation Office. He advised the committee to only acknowledge Federally-recognized Indian tribes in NAGPRA issues. Mr. Day gave a summary of Tunica-Biloxi tribal history and relocations from their first contact with Europeans to their eventual settlement in Louisiana. Mr. Day then gave a summary of the events surrounding the removal of items from the Trudeau Site and the subsequent actions necessary for the Tunica-Biloxi to regain possession of those objects, including construction of a museum. Mr. Day

stated that the condition of those objects necessitated the training of two tribal conservators to salvage the mistreated objects. Mr. Day stated that all 200,000 tribal conservation efforts to date have been successful. The Tunica-Biloxi tribe has built a casino, amidst many obstacles, which has helped the entire tribe climb the socioeconomic ladder.

Mr. Roland Poncho, of the Alabama-Coushatta Tribe of Texas, gave a brief history of his Indian tribe's relocation from their original homelands at Ft. Toulouse, Alabama, to their current lands in east Texas. He described how important it is that the committee fulfill its claim to be fair, open-minded, and thorough in their dealings with NAGPRA. Mr. Poncho stated that one thing non-Indians would not be familiar with is being Indian and speaking the Indian language, into which is embedded a natural caution against non-Indians. Mr. Poncho emphasized the work that went into NAGPRA, and its importance to Native Americans, Alaska Natives and Hawaiian Natives.

Mr. Michael Haney, of the Seminole Tribe of Oklahoma, explained the unique situation in Oklahoma with 39 Federally-recognized Indian tribes of which only two -- the Wichita and the Caddo -- are indigenous to Oklahoma. The majority of Native Americans in Oklahoma are many miles away from their ancestral homelands. Mr. Haney explained how his work with protected unmarked Native American graves began in 1978 when he began to work toward legislation. He explained how this work eventually culminated in NAGPRA being enacted in 1990. He also described current efforts in Oklahoma trying to stop ongoing excavations. Mr. Haney agreed with Mr. Day on the issue of Indian tribes contracting SHPO responsibility, in part because of misuse of National Historic Preservation Act money in Oklahoma. He stated that the Indian tribes of Oklahoma want to repatriate all materials currently held by Federal agencies and museums. These items are essential to the health and well-being of Indian nations. Mr. Haney stated that prior to the Five Tribes developing a final position on culturally unidentifiable human remains, they are going to meet with the United South and Eastern Tribes (USET) to try to develop a consultation process. Mr. Haney said that Executive Order 13007 dealing with the protection of sacred sites is good, but pointed out that there are already many different policies within the Federal government regarding grave protection and repatriation. He emphasized the need to standardize these many regulations and finalize the NAGPRA regulations so they can be fully in effect. Finally, Mr. Haney spoke about non-Federally-recognized Indian groups and cautioned the committee not to develop blanket policies that exclude these groups. Mr. Haney cited the Yuchi and the Begesic (phonetic) people as examples of ceremonial, historical tribes that do not have recognition but should be considered on a case-by-case basis under NAGPRA.

Ms. Joyce Bear, of the Muskogee (Creek) Nation, spoke about the importance of their homeland in Alabama to her people. She explained that it was very meaningful for her great uncle to have just a small part of the homeland; a rock that she was able to bring to him from Loachapoka, Alabama. Ms. Bear described the positive effects NAGPRA has had in Georgia. She states that on extensive road construction projects, consultation has successfully occurred when artifacts were found. She described the successful repatriation of two human remains when they were found during construction of a water project. Ms. Bear stated a concern with upcoming project on the Okmulgee oil fields, because this land is considered the "cradle of the Muskogee Nation." The Muskogee do not wish to have their mounds disturbed.

Mr. Bobby Billie, spiritual leader of the Independent Traditional Seminole Nation of Florida, stated that his tribe is a sovereign nation because they follow the natural law of the Creator and not the man-made law.

He stated that burial grounds need to be respected, and the taking of ancestors, ancient relatives, and their materials violates the rights of all Indigenous people and is against the Creator's law. Mr. Billie stated that the Independent Traditional Seminole Nation of Florida has a right to be treated on a government-to-government basis due to their six-million-year history of following the traditional laws. He then stated that digging up human remains can have a negative effect and the right thing to do is to leave them alone.

Ms. Nadine Horne, Georgia Council of American Indian Concerns and Recognized First Nations Advocacy Group, Augusta, Georgia, stated that if the Indigenous people of North America did not recognize the Canadian/United States border, and consider themselves all one related group, they would total close to ten million people. Ms. Horne stated she first became aware of the desecration of grave sites when she moved to the Southeast and said it is time for the study of Native American ancestry to stop. Ms. Horne spoke in opposition of state-recognized Indian groups, emphasizing that only the Federal government should have the right to recognize tribes. She described actions taken by her and others to oppose the state recognition process in Georgia, including the passage of Resolution 4:96:1996. Ms. Horne suggested that Federally-recognized Indian tribes should sponsor tribes that are historical, sovereign governments, but are not Federally recognized. A committee of Federally-recognized elder leaders should be formed to hear repatriation issues. A plaque should be dedicated commemorating the history of what has happened to Native ancestors' human remains so it will not happen again.

Mr. Jonathan Leader, Deputy State Archaeologist for South Carolina, explained the duties of the South Carolina Institute of Archaeology and Anthropology (SCIAA), including research on behalf of the state, updating the state's archaeological site files, and curating all state materials, which can include materials covered by NAGPRA. Mr. Leader then explained SCIAA's policy of protection of all burial sites, limitations imposed on research of such burial sites and their human remains, and a policy of leaving inadvertently discovered human remains in place, except when vulnerable, in which case they are reinterred with input from lineal and cultural descendants. Mr. Leader reported that SCIAA was able to complete all notifications on time as required by NAGPRA. In the course of this work, contact was established with several area groups, of which only two are Federally recognized, and many concerns were raised regarding disposition of culturally unidentifiable human remains. Mr. Leader described some problem areas of NAGPRA, including: the disenfranchisement of appropriate but non-Federally-recognized Indian groups; lack of funding; regulations written by those who will be implementing them; requiring compliance before regulations; ignorance on the part of Federal agencies, museums and collections regarding NAGPRA; and misunderstanding of NAGPRA, resulting in jurisdiction delays in a recent case regarding grave looting and transportation of grave goods.

Dispute over a Carved Wooden Figure from Hawaii

Ms. Naranjo asked Mr. Haas to chair this portion of the meeting. Mr. Haas explained that the committee role was to facilitate the resolution of disputes between parties. The committee's recommendations are not binding on any party. Mr. Haas welcomed representatives of the Office of Hawaiian Affairs, Hui M_lama I Na K_puna O Hawai'i Nei, and the Museum of Natural History at Roger Williams Park, and announced

that the two Native Hawaiian organizations had agreed to make a single presentation.

Office of Hawaiian Affairs and Hui M_lama I Na K_puna O Hawai'i Nei.

Ms. Linda Delaney, Land and Natural Resources Officer with the Office of Hawaiian Affairs, thanked the committee for the opportunity to make her presentation and introduced the other representatives of the two organizations. She pointed out that both Office of Hawaiian Affairs and Hui M_lama I Na K_puna O Hawai'i Nei are explicitly recognized as Native Hawaiian organizations in the statute.

Ms. Lani Lapilio, counsel to the Native Hawaiian Historic Preservation Council, explained that Native Hawaiians refer to this type of carved figure as *ki'i la'au* -- *ki'i* meaning image and *la'au* meaning wood. The museum's records describe this figure as an idol. This figure is not typical, being elaborately and forcefully carved and decorated. The form is consistent with its function as *ki'i aumakua*, a figure that serves as a receptacle for an ancestral deity or family god. *Aumakua* practice continues today and selling one would be unthinkable. Ms. Lapilio stressed that the museum provide no evidence that it obtained the *ki'i aumakua* with the voluntary consent of an individual that had the right to sell, trade, or give away the item.

Mr. Kunani Nihipali, *po'o* or leader of Hui M_lama I Na K_puna O Hawai'i Nei, introduced his personal *aumakua*, *noa*, which serves as an image of how he sees his ancestors. The *ki'i aumakua* held by the museum also represents a sense of place, a sense of continued struggle for sovereignty, a continued belief within Hawaiian cultural practices. These *ki'i* are not for sale.

Mr. Edward Ayau, with Hui M_lama I Na K_puna O Hawai'i Nei, explained that the form, size, and shape of this *ki'i la'u* are consistent with an *aumakua* image. *Aumakua* are one of the few Hawaiian spiritual practices that have survived to the present day. Further, the majority of *aumakua* with a documented provenance originated in burial caves. Mr. Ayau stated that he, Mr. Nihipali, and Ms. Kanahale were recognized as traditional religious leaders. He to discount Mr. Davenport, Mr. Cox, and Mr. Hurst's assertions that the carved figure was a fishing spear rest based on their lack of familiarity with Hawaiian ethnography and religion.

Museum of Natural History at Roger Williams Park

Ms. Nancy Derrig, superintendent of parks for the city of Providence, that the carved wooden support figure was originally acquired by the Museum of Natural History at Roger Williams Park as a loan from the Providence Franklin Society in 1916, and became part of the permanent collection when the society disbanded in 1922. When she assumed her present position in 1985, Ms. Derrig discovered that the support figure was missing. The thief was eventually brought to justice and the support figure returned.

After presentations by the Office of Hawaiian Affairs, Hui M_lama I Na K_puna O Hawai'i Nei, and the Museum of Natural History at Roger Williams Park, the Committee made the following comments regarding the Hawaiian figure in an effort to formulate a finding on the repatriation of that figure. The Committee was concerned about the lack of available evidence in the case and about the use of Dr. William

Davenport as an expert based on his admitted lack of expertise in Hawaiian culture.

On the issue of standing under NAGPRA, the Committee recognized both the Office of Hawaiian Affairs and Hui M_lama I Na K_puna O Hawai`i Nei as having standing under NAGPRA.

On the issue of sacred object, the Committee found that the figure was a sacred object, and therefore falls under the purview of NAGPRA, for two reasons: one, the figure was shown to be devoted in a ritual context to sacred activities, and two, the figure is needed to renew old ceremonies. The Committee determined that the figure was, in fact, an *`aumakua* image, as claimed by the Hawaiian organizations.

On the issue of cultural patrimony, the Committee was not convinced that the figure was an object of cultural patrimony, in part because of the personal nature of the figure and the ability of chiefs to hand down such figures from generation to generation. Similarly, on the issue of funerary object, the Committee could not find absolutely that the figure was a funerary object, based on the evidence that not all such figures originally came from burial caves.

On the issue of right of possession, the Committee expressed an opinion, based on written evidence presented by all three parties and on observation of the figure in photographs, that the figure was not manufactured as a curio but was obviously used as originally intended. Further, the Committee felt the figure was alienated before 1819, which would be in the *Kapu* period of Hawaiian history, denoting use as intended as an *`aumakua*. The Committee found a lack of evidence that the figure was alienated by someone with a right to alienate the figure. Since the figure is an *`aumakua*, the Hawaiian delegation claimed that no one would have had the right to alienate that figure. Finally, the Committee determined that based on the evidence presented by the Museum of Natural History at Roger Williams Park that the Museum does not have right of possession of the figure.

The Committee made a finding that in the case of the Hawaiian *`aumakua* figure that the Museum of Natural History at Roger Williams Park should repatriate the piece jointly to the Office of Hawaiian Affairs and Hui M_lama I Na K_puna O Hawai`i Nei. The Committee was clear that this finding relates only to this particular piece. Mr. McManamon discussed wording of the finding for publication in the Federal Register and suggested that a letter be sent to each of the three parties detailing the Committee's finding.

Future Meeting

The Committee decided to hold their next meeting in Oklahoma in March of 1997, with emphasis on discussion of culturally unidentifiable human remains.

Other Matters Before the Committee

In response to a request from Betty Washburn, the Committee will send a letter to Ms. Washburn in acknowledgement of her last letter, presented to the Committee at the Billings meeting, and expressing the hope of the Committee that Ms. Washburn keep the Committee informed of any further developments in the

discussions with the Hearst Museum concerning the Satanta shield dispute.

The Committee received an update from Mr. Joseph Schomaker, Cultural Resource Manager with the Department of Energy Ohio office concerning a dispute in the state of Ohio over a pipeline project which uncovered five complete burials and 15 to 20 partial burials. Mr. Schomaker reported that currently there is an agreement by the involved Indian tribes to reach repatriation without a formal dispute.

In response to the requests of the Oakland Museum of California and De Anza College in Cupertino, California, concerning repatriation of culturally unidentified human remains to an Ohlone group, the Committee will send letters detailing the information that the Committee deems necessary in terms of proof of consultation with Federally-recognized tribes that these organizations need to consult with in their individual cases before repatriation with the proposed non-Federally-recognized Ohlone group.

The Committee determined it would be inappropriate to respond to a request from the confederated Tribes of the Colville Reservation in Washington regarding human remains discovered on Army Corps of Engineers land since the issue is currently under litigation in Federal court in Oregon.

Public Comment

Ms. Nadema Agard, Repatriation Director of Standing Rock Sioux Tribe, stated concern over certain situations that had occurred during repatriation visits. One, the right of a museum to limit access of repatriation representatives to only objects of individual Indian tribes, i.e., Cheyenne River Sioux Tribe, and not all Sioux items. Mr. Monroe and Mr. Haas replied that museums need to provide access to all material that is potentially affiliated with her Indian tribe. Two, her Indian tribe considers all birth amulets to contain human remains in the form of umbilical cords, and considers repatriation necessary because of their personal nature. When museums claim inconclusive determination of whether the amulets contain human remains, Ms. Agard wanted to know what her Indian tribe can do to see that they are returned. Mr. Richard Edwards stated that some birth amulets were made for sale to tourists and that some beaded sole moccasins were used before burial; so research needed to be conducted on these items to determine their true purpose. Ms. Agard replied that she was aware of that fact and that tribal elders can determine which amulets and moccasins are eligible for repatriation. Mr. Haas replied that birth amulets would probably not be considered human remains under the definition of NAGPRA, but they could be requested as unassociated funeral objects or sacred objects. Mr. Monroe added that each would have to be considered on a case-by-case basis, taking into consideration provenance information and testimony by traditional religious leaders. Three, Ms. Agard inquired about possible change in NAGPRA regarding private collectors, and Ms. Naranjo and Mr. Haas both stated they were unaware of any changes. Four, Ms. Agard asked about the legality of museums exhibiting objects that Indian tribes have claimed as sacred objects. Mr. Sullivan stated that although such exhibition would be unethical, it was not illegal, and repatriation is the only way to protect those objects.

Ms. Joyce Bear, Historic and Cultural Preservation Officer of the Muskogee Creek Nation, stated that Native Americans are frustrated and angry; that for the first time they have the power and opportunity to repatriate Native American human remains and items that should never have been taken in the beginning. She emphasized how painful it was to have these human remains away from where they belong and how

important it is to repatriate them. Ms. Bear encouraged Indian tribes who are not Federally recognized to become Federally recognized in order to have power on a government-to-government level. Ms. Bear suggested honoring culturally unidentifiable human remains by putting them in a national cemetery of the state in which they were found.

Mr. Bobby C. Billie, Spiritual Leader, Independent Traditional Seminole Nation of Florida, expressed concern that the Committee needed to respect Indians and their knowledge of what to do with human remains and materials, regardless of whether the Indian tribes are Federally recognized or not. He stated Indians know the importance of repatriating their ancestors' human remains and materials and should be allowed to deal with them immediately. Mr. Billie stated that these human remains and materials should have been left alone in the first place, and he is concerned that human remains continue to be dug and he cannot stop this because he is not Federally recognized. In response to a concern about archaeological jobs, Mr. Billie stated that the archaeological jobs will not be lost because the archaeologists will be busy reburying Native American ancestors, which his Indian tribe cannot do due to their beliefs.

Ms. Connie Cascales, Director of the White County Historical Museum in Indiana, reported on the successful repatriation of five human remains found three years ago in Indiana, and reported on a task force that is currently being developed to handle additional human remains that are found. Ms. Cascales then asked about the legality of a proposed mausoleum-style burial ground to be built in a state park in Indiana. She asked if this type of burial was legal, where the human remains would be marked and could later be removed. Mr. McManamon replied that without knowing the specifics of the case, he could not address the issue properly.

Ms. Barbara Crandell, of the Native American Alliance of Ohio, spoke about participation of non-Federally-recognized Indian groups in the repatriation process. She stated that in the case of the Native American Alliance of Ohio, these were Native Americans who would not be eligible for Federal recognition but should not be excluded from participating in repatriation of ancestral human remains and objects. She stated that the Native American Alliance of Ohio wishes to communicate on matters of repatriation with the Committee and with other tribes, both Federally recognized and non-Federally recognized, and that they do not wish to be granted any other benefits or take anything away from the Federally-recognized tribes.

Mr. Bill Day, Director of Cultural and Historic Preservation of the Tunica-Biloxi Indian Tribe of Louisiana and the Chairman of the United South and Eastern Tribes Cultural and Heritage Committee, strongly expressed the opinion that the Committee does not have the right to repatriate to non-Federally-recognized Indian groups, and his tribe is prepared to take action against this type of repatriation if necessary. Mr. Day suggested that any non-Federally-recognized Indian groups seeking to repatriate should go through the recognition process as his and other tribes have done. Mr. Day expressed concern about a repatriation that took place in Pensacola, Florida, for which he feels there was not sufficient consultation with the appropriate Indian tribes, and that the Federal agencies involved consulted with inappropriate parties before repatriating to an inappropriate tribe. Mr. Day has an additional concern with the Historic Preservation Division of the Mississippi Department of Archives and History regarding lack of consultation. Mr. Day then asked why Mr. Haas presented information on the first draft of the proposal for the disposition of culturally unidentifiable Native American human remains to a forum of the

Society of American Archaeology before this was made available through the Federal Register, and stated that he considered this a breach of faith. Ms. Naranjo replied that it was a decision made in order to receive feedback from as many people as possible on the first set of draft recommendations in order to better construct the second draft. Mr. Day asked for time to discuss an issue before the Committee at the next NAGPRA Committee meeting.

Mr. Richard Edwards, Professor of Law at University of Toledo College, stated he was deeply affected when the representatives of Oneida Nation of New York asked the Oneida Tribe of Wisconsin to give the traditional closing in their presentation for repatriation of the Oneida wampum belt. Mr. Edwards expressed hope that more Indian tribes could get together like the two Oneida groups and come to agreement. He suggested that the Bureau of Indian Affairs could possibly develop a special category of Indian tribes eligible for NAGPRA that are not Federally recognized, and he urged the Committee members to follow their hearts and not necessarily the law in the matter of repatriation to non-Federally-recognized Indian groups. Mr. Edwards expressed concern over the use of the term "sovereignty" as related to Indian tribe. Mr. Edwards urged the Committee to follow the Corrow court case carefully, and he expressed concern that the jury and court decided the issues differently than the Committee. Regarding the Hawaiian figure dispute, Mr. Edwards urged the Committee to consider right of possession even more carefully in the future, particularly with regards to continued possession on the part of museums and specific proof of inalienability.

Ms. Nadine Horne, a Mohawk Indian and a member of the Haudenosaunee, stated that Indians need to make decisions regarding repatriation issues. She recommended that if a committee is formed to hear issues regarding repatriation of culturally unidentifiable human remains, it should consist of only Federally-recognized Indian groups. Ms. Horne stated that if a national summit occurred, such as was discussed, that Native Americans should meet before the meeting and present their overall view as one. Ms. Horne believes that state reburial laws are a stumbling block for Federally-recognized Indian tribes. She feels that state-recognized Indian tribes have access to more information than other Indigenous people, such as Mr. Billie and even some Federally-recognized Indian tribes.

Ms. Beverly Ironshield, Standing Rock Nation, South Dakota, stated that she was attending the meeting out of support for the Southeastern Indian tribes because of her feeling that "we are all related." Ms. Ironshield also stated that no one has the right to keep these human remains and materials and that they need to return to their home.

Mr. David Jumper, NAGPRA Representative of the Seminole Tribe of Florida, briefly expressed agreement with Mr. Billie and Ms. Sekatau's comments.

Ms. Shannon Larsen, E.E.C. and Vida Verde, stated that she feels the intent of what the Committee was trying to do was good, but she feels that it is unfair that individuals like Bobby C. Billie, who is a traditional Indigenous person, do not have full rights to protect their ancestors and do not have any standing under NAGPRA. She stated that Mr. Billie is recognized by Indian nations and has been asked to do reinterment numerous times, but since he is not recognized by the Federal government, he has no rights and does not receive any information concerning NAGPRA or any related topics. Ms. Larsen stated that she hopes the Committee will go forward with their work and help those who are who they say they are even if

they are not Federally recognized. Ms. Larsen expressed a concern of Mr. Billie about why the Florida SHPO still issues permits to excavate burial grounds and an additional concern about intentional excavations. Mr. McManamon replied that the intent of the law was not to prevent archaeological excavations on Federal land but to require consultation with appropriate culturally affiliated Indian tribes. Mr. Monroe added that the Committee could not reply to that issue without further detail, but that he would be happy to discuss the situation personally. Mr. Jumper expressed concern about excavation before identification. Mr. McManamon replied that in many cases cultural affiliation is clear, and when it is not clear, the Federal agency involved is responsible for determining which Indian tribes need to be consulted. Mr. McManamon reported that in some cases agencies and Indian tribe are developing written agreements on what to do with future inadvertent discoveries. Mr. Haas added that in cases where excavations occur on private or state lands, once items go to institutions under Federal mandate the objects are covered by NAGPRA under the future applicability sections. Ms. Larsen stated there are no good reasons for any further excavations on Federal land.

Ms. Naida Lefthand, Assistant Director for the Kootenai Culture Program of the Confederated Salish and Kootenai Tribes and NAGPRA Coordinator for the Kootenai Tribes of Montana, Idaho and British Columbia, thanked the Committee for the decisions made in the Oneida dispute and the Hawaiian figure dispute. She then expressed the hope that all Indian tribes would work together in order to effect repatriation of all human remains.

Ms. Ella Sekatau, Medicine Woman and Spiritual Leader for the women and children of the Narragansett Tribe, expressed disagreement with the use of the term "prehistoric" concerning Native American history, and stated that there are no culturally unidentified or culturally unidentifiable human remains. Ms. Sekatau stated that if ceremonies for reburial are given with good faith, there can be no mistakes, and that especially in the case of partial human remains, any ceremony would be beneficial. Ms. Sekatau is opposed to the use of maps detailing the territorial boundaries of her Indian tribe when determined by others.

Mr. Lee Tippet, South Carolina State Historic Preservation Office, expressed concern that if Native Americans take extreme views and are not willing to listen, the resulting litigation between museums and agencies and Native Americans may affect the NAGPRA Act itself. Mr. Tippet urged Native Americans to have patience with museums and agencies in order to avoid that type of potential litigation.

Closing

Mr. Lawrence Hart gave the closing blessing. The meeting was adjourned at 4:30 p.m. on Sunday, November 3, 1996.

Approved:

/S/ Tessie Naranjo

Tessie Naranjo, Chair
Native American Graves Protection
and Repatriation Committee

Date